

Regular Session, 2014

SENATE BILL NO. 470

BY SENATOR MARTINY

CONFIRMATION. Provides for time of reconfirmation for persons appointed to certain boards and commissions. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 24:14(H) and (K)(1)(a) and (2), relative to confirmation by the
3 Senate; to provide for notice to certain persons not submitted, confirmed or
4 reconfirmed by the Senate; to provide for the time of reconfirmation for persons
5 serving a specific term; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 24:14(H) and (K)(1)(a) and (2) are hereby amended and reenacted
8 to read as follows:

9 §14. Senate confirmations

10 * * *

11 H.**(1)(a)** In the event a person is not submitted to or is not confirmed by the
12 Senate, and the person attempts to remain in office **after being advised by the**
13 **Senate, through its president, by certified mail, return receipt requested, of his**
14 **lack of confirmation,** and acts in his official capacity, any action taken by a public
15 body in which such person participates shall be null and void.

16 **(b)** The Senate, through its president, may bring an action to remove the
17 person from office. Notwithstanding any other law to the contrary, the venue for any

1 such action shall be East Baton Rouge Parish.

2 (2)(a) In the event a person is not reconfirmed by the Senate, pursuant
 3 to Subsection K of this Section and the person attempts to remain in office after
 4 being advised by the Senate through its president, by certified mail, return
 5 receipt requested, of his lack of confirmation and acts in his official capacity,
 6 any action taken by a public body in which such person participates shall be a
 7 relative nullity and shall be subject to challenge in district court.
 8 Notwithstanding any other law to the contrary, the venue for any such action
 9 shall be East Baton Rouge Parish.

10 (b) The Senate, through its president, may bring an action to remove the
 11 person from office. Notwithstanding any other law to the contrary, the venue
 12 for any such action shall be East Baton Rouge Parish.

13 (3) The Senate, through its president, shall notify any person who was
 14 not submitted to the Senate, any person who was not confirmed or reconfirmed
 15 pursuant to Subsection K of this Section, and the office, board, commission,
 16 committee, or district to which the person was appointed no later than thirty
 17 days after the Senate considers the confirmation.

18 * * *

19 K. Notwithstanding any other provision of law, all persons who are appointed
 20 to a position on a board, commission, committee, or district, which requires Senate
 21 confirmation, including persons appointed to a partial term shall be subject to
 22 reconfirmation as follows:

23 (1)(a) ~~At~~ The service of each appointees appointed to a term concurrent
 24 with the appointing official or at the pleasure of the appointing official shall expire
 25 at the end of the appointing official's term as provided for in Article IV, Section 3 of
 26 the Constitution of Louisiana or as otherwise provided for by law.

27 * * *

28 (2)(a) ~~At~~ The service of each appointees appointed to a fixed term shall
 29 expire at the end of the term to which the appointee was appointed.

1 (b) The appointee may continue to serve until the end of the second regular
 2 session of the Legislature following the ~~beginning of the legislative term at which~~
 3 ~~time the position shall become vacant unless the appointee is reappointed to the~~
 4 ~~position and has been confirmed by the Senate by the end of the second regular~~
 5 ~~legislative session~~ **expiration of the term.**

6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

The original instrument was prepared by Yolanda Johnson Dixon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ashley Menou.

DIGEST

Martiny (SB 470)

Present law requires confirmation by the Senate of all gubernatorial appointments and appointments to office by a public official other than the governor, when the statute providing for the appointment requires confirmation by the Senate. Provides that if persons who are not submitted to the Senate or not confirmed by the Senate attempt to remain in office and act in an official capacity, any action taken by a public body in which such person participates shall be null and void.

Present law provides for reconfirmation of persons appointed to a term concurrent with the appointing official or at the pleasure of the appointing official by the end of the second regular session of the legislature following the beginning of the legislative term at which time the position shall become vacant. Provides for reconfirmation of persons appointed to a fixed term by the end of the second regular session of the legislature following the beginning of the legislative term.

Proposed law provides that any action taken by persons who are not confirmed and who are notified that they are not confirmed, and who act in their official capacities is null and void.

Proposed law provides that any action taken by persons who are not reconfirmed and who are notified that they have not been reconfirmed, and act in their official capacity is a relative nullity and subject to challenge in district court.

Proposed law provides that persons who serve for a stated term shall serve until the end of the second regular session of the legislature following the expiration of their term.

Proposed law provides that the venue for actions brought by the Senate to remove a person from office shall be East Baton Rouge Parish.

Proposed law provides that the Senate, through its president, shall send notice to any person not submitted for confirmation, to any person not confirmed or reconfirmed, and to the appropriate office, board, commission, committee, or district to which the person was

appointed no later than thirty days after the Senate considers the confirmation.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 24:14 (H) and (K)(1)(a) and (2))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Changes the time allowed to mail certified notices to thirty days.
2. Provides that any action taken by persons who are not confirmed, notified that they are not confirmed, and who act in their official capacities is null and void.
3. Provides that any action taken by persons who are not reconfirmed, notified that they have not been reconfirmed, and act in their official capacity is a relative nullity and subject to challenge in district court. Provides that the appropriate venue to remove a person shall be East Baton Rouge Parish.
4. Provides that the Senate, through its president, shall send notice to any person not submitted for confirmation, to any person not confirmed or reconfirmed, and to the appropriate office, board, commission, committee, or district to which the person was appointed no later than thirty days after the Senate considers the confirmation.